

REMARKS

Claims 1-71 and 79-83 are pending in the present patent application. Claims 72-78 and 84-103 were pending, but were cancelled as part of an election required by the Examiner's restriction requirement before filing the present divisional application. Applicant has cancelled claims 1-71 and 79-83. Applicant has also added claims 104-130 which are based upon the previously cancelled claims 72-78 and 84-103. Applicant respectfully requests consideration and examination of claims 104-130 in the present patent application and presents the following arguments in response to rejections and objections raised by the Examiner prior to this divisional which may also apply to the newly added claims 104-130:

Examiner's Objection to the Reissue Oath/Declaration

Examiner has objected to the reissue oath/declaration as failing to adequately identify at least one error as per 1.175(a)(1). Before filing the present application, Applicant submitted a reissue oath/declaration that more specifically identifies at least one error. Thus, Applicant submits that Examiner's objection to the reissue oath/declaration is overcome. Applicant is also submitting a reissue oath/declaration that more specifically identifies at least one error being corrected by the present application.

Examiner's Objection to Lack of Offer to Surrender Patent under 37 C.F.R. § 1.178

Examiner has objected to lack of an offer to surrender the patent under 37 C.F.R. § 1.178, stating that such an offer must be made before the reissue application may be allowed. Applicant offered to surrender U.S. Patent number 6,032,156 prior to filing the present application and

continues to offer to surrender U.S. Patent number 6,032,156. Thus, Applicant submits that Examiner's objection to the lack of offer to surrender the patent is overcome.

Priority

Examiner states that applicant must again claim priority in the reissue application. Prior to filing the present application, Applicant, in reissue application 10/087,003, claimed priority for reissue application to U.S. patent number 6,032,156, filed April 1, 1998 and to U.S. provisional patent application number 60/042,564, filed April 1, 1997 to which U.S. patent number 6,032,156 claimed priority. In the present application, Applicant claims priority to U.S. patent application 10/087,003, filed on February 28, 2002, U.S. patent number 6,032,156, filed April 1, 1998 and to U.S. provisional patent application number 60/042,564, filed April 1, 1997 to which U.S. patent number 6,032,156 claimed priority.

Response to Amendment

Examiner states that the preliminary amendment was not in proper form. Specifically, Examiner states that added claims should be underlined. However, Examiner also states that the added claims 42-103 are pending in the present application, so Applicant believes Examiner accepted claims 42-103 as added. Still, claims 42-103 have been cancelled and claims 104-130 are added using the proper form, and thus Examiner's previous objections are overcome.

Examiner also stated that Applicant did not supply an explanation of the support in the disclosure for the new claims. Applicant submits the following explanation:

Support in the disclosure for claims 104-130 is found in at least Figures 2 and 3 and column 3 line 31 to column 5 line 39.

Rejection of Claims Under 35 U.S.C. §251

Examiner rejected claims 1-71, 79 and 80-83 under 35 U.S.C. 251 as being based upon a defective reissue declaration. As discussed above, Applicant has corrected the alleged defect. Thus, Applicant submits that Examiner's rejection under 35 U.S.C. 251 is overcome and claims 104-130 are in condition for allowance.

CONCLUSION

For at least the foregoing reasons, Applicant respectfully submits that pending claims 104-130 are patentably distinct from the prior art of record and in condition for allowance. Applicant therefore respectfully requests that pending claims 104-130 be allowed.

Respectfully submitted,

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By: 

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